

AO 120 (Rev. 2/99)

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. <b>CV 11-01299 DMR</b>	DATE FILED March 17, 2011	U.S. DISTRICT COURT Northern District of California, 1301 Clay St., RM 400S, Oakland, CA 94612
PLAINTIFF <b>INNOVATIVE AUTOMATION</b>		DEFENDANT <b>MICROTECH SYSTEMS INC</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <b>7,174,362</b>		SEE ATTACHED
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1		SEE ATTACHED	
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3			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK Richard W. Wicking	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

ORIGINAL  
FILED  
2011 MAR 17 P 3:35  
RICHARD H. BERNING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

COURTESY COPY

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

INNOVATIVE AUTOMATION LLC,  
Plaintiff,  
v.  
MICROTECH SYSTEMS, INC.,  
Defendants.

Case No. **11 1299**  
Complaint for Patent Infringement  
Demand for Jury Trial  
Date: March 17, 2011

1 Plaintiff Innovative Automation LLC states its complaint against Defendant  
2 Microtech Systems, Inc. and alleges as follows:

3 **THE PARTIES**

4 1. Plaintiff Innovative Automation LLC ("Plaintiff" or "Innovative Automation")  
5 is a limited liability company organized and existing under the laws of the State of  
6 California, with its principal place of business at 606 North First Street, San Jose, California  
7 95112.

8 2. Upon information and belief, Defendant Microtech Systems, Inc. ("Microtech"  
9 or "Defendant") is a corporation organized and existing under the laws of the State of  
10 California, with its principal place of business at 1164 Triton Drive, #100, Foster City,  
11 California 94404.

12 **JURISDICTION AND VENUE**

13 3. This action is for patent infringement pursuant to the patent laws of the United  
14 States, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction over the action  
15 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16 4. This Court has personal jurisdiction over Microtech because, on information  
17 and belief, Microtech does and has done substantial business in this judicial District,  
18 including (i) maintaining its principal place of business in this judicial District; (ii)  
19 committing acts of patent infringement and/or contributing to or inducing acts of patent  
20 infringement by others in this judicial District and elsewhere in California; and (iii) regularly  
21 doing business or soliciting business, engaging in other persistent courses of conduct, and/or  
22 deriving substantial revenue from products provided to persons in this District and in this  
23 State.

24 5. Venue is proper in this judicial District pursuant to 28 U.S.C. §§ 1391 and  
25 1400(b) because Microtech resides in this judicial District, and because a substantial part of  
26 the events giving rise to the claims occurred in this judicial District.  
27  
28

1 **CLAIM FOR RELIEF**

2 **(Infringement of United States Patent No. 7,174,362)**

3 6. Plaintiff realleges and incorporates by reference paragraphs the above  
4 paragraphs of this Complaint, inclusive, as though fully set forth herein.

5 7. Plaintiff is the owner of all right, title, and interest in United States Patent No.  
6 7,174,362, entitled "Method and System for Supplying Products from Pre-Stored Digital  
7 Data in Response to Demands Transmitted via Computer Network," duly and legally issued  
8 by the United States Patent and Trademark Office on February 6, 2007 (the "'362 patent").  
9 A true and correct copy of the '362 patent is attached hereto as Exhibit A.

10 8. The '362 patent generally describes and claims a computer-implemented  
11 method of digital data duplication. In the method of claim 1 of the '362 patent, a request is  
12 taken at one or more user interfaces and is transmitted through a network to a computer. The  
13 computer contains a module to create a task log based on incoming requests; a module for  
14 storing the necessary data; and a module to create a subset of the data, download that subset  
15 to an output device, and command the device to transfer the subset onto blank media. The  
16 request is assigned to an output device, and the duplication process is executed. Claims 2-8  
17 of the '362 patent describe various other methods and a system of digital data duplication.

18 9. Microtech has infringed and continues to infringe, literally and/or under the  
19 doctrine of equivalents, one or more claims of the '362 patent under 35 U.S.C. § 271 by  
20 making, offering to sell, and selling infringing media duplication devices. For example,  
21 Microtech's Xpress XL device takes requests at a user interface and transmits them through  
22 a network to a computer. (*See, e.g.*, Exs. B and C.) The computer contains a module to  
23 create a task log based on incoming requests; a module for storing the necessary data; and a  
24 module to create a subset of the data, download that subset to an output device, and  
25 command the device to transfer the subset of data onto blank media. (*See, e.g., id.*) The  
26 Microtech Xpress XL assigns the requests to output devices, and the duplication process is  
27 executed. (*See, e.g., id.*) Microtech's products that operate in this way infringe, without  
28 limitation, claim 1 of the '362 patent under 35 U.S.C. § 271.

10. On information and belief, Microtech has knowledge that its infringing products, including without limitation the Microtech Xpress XL, are especially made or especially adapted for use in a manner that infringes the '362 patent. For example, Microtech's infringing products are made or adapted to be connected to a network to perform the method of digital data duplication claimed in the '362 patent. Microtech's infringing products are not staple articles or commodities of commerce suitable for substantial noninfringing use.

11. As a result of Microtech's infringing activities, Plaintiff has suffered damages in an amount not yet ascertained. Plaintiff is entitled to recover damages adequate to compensate it for Microtech's infringing activities in an amount to be determined at trial, but in no event less than reasonable royalties, together with interest and costs.

12. Plaintiff reserves the right to allege, after discovery, that Microtech's infringement is willful and deliberate, entitling it to increased damages under 35 U.S.C. § 284, and to attorneys' fees incurred in prosecuting this action under 35 U.S.C. § 285.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests entry of judgment in its favor against Microtech as

follows:

- a) For a declaration that Microtech has infringed, directly and/or indirectly, the '362 patent;
- b) For an award of damages adequate to compensate Plaintiff for Microtech's infringement of the '362 patent, but in no event less than a reasonable royalty, together with prejudgment and post-judgment interest and costs, in an amount according to proof;
- c) For an entry of a permanent injunction enjoining Microtech, and its respective officers, agents, employees, and those acting in privity with them, from further infringement, including contributory infringement and/or inducing infringement, of the '362 patent, or in the alternative, awarding a royalty for post-judgment infringement;

d) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and

e) For an award to Plaintiff of such other costs and further relief as the Court may deem just and proper.


## DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury.

Respectfully submitted,

Dated: March 17, 2011

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